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KEN WEBER, CHAIR

CHUCK NOTBOHM

TOM LYTHGOE

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
May 13, 2008**

Present: Commissioners Weber, Lythgoe, and Notbohm; Tom Harrington, JLDC; Sheriff Craig Doolittle, John Zmelchi, Shane Worley, Mike Ries, Jan Anderson, Monitor/Courier

MINUTES

Commissioner Weber moved to approve the minutes of April 22, 2008. Commissioner Lythgoe seconded. The motion carried.

REPORTS

Receipt of April expense and revenue report received from Clerk and Recorder, Bonnie Ramey.

.CALENDAR REVIEW

5/14 10:00 Elkhorn Mine Citizens group
5/15 8:00 John Bowe/RDGP Grant
10:00 MACo Dist. 8,9, & 12
7:00 N. End Library Subcommittee
5/16 8:00 CTAC
1:00 Clancy Library Trustees
5/19 1:00 Renovations/Annex/Wagner
5/22 9:30 Salary Compensation Committee
4:00 Zoning
5:00 MTAG
7:00 Solid Waste

COMMISSION REPORTS

COMMERCIAL PROPERTIES/N. END

Commissioner Lythgoe had a meeting with Dave and Chuck Hunter who own the MT. City Grill and MT. City store. They discussed some issues and concerns regarding additional commercial properties they own on the N. End of the county. There are a number of pieces owned by others and with Ash Grove there, Dave thought it would be beneficial to form a Tax Increment finance Dist. (TIP) on the N. End, including Ash Grove as an industrial piece, and the Bompert property etc.. He reported that Ash Grove has formed a citizen's advisory committee, and he and Harold Stepper, Jefferson County Planner, have been asked to serve on that committee. The first meeting

will be on June 2nd. Commissioner Lythgoe thought that with the changes Ash Grove and others intend to make there is the potential of helping to fund a central sewer system for that area. He said Dave and Chuck have some other concerns i.e. round a bouts, plants dying, no water. They will put together a list and Commissioner Lythgoe said he would talk to the necessary people, and then they would get together for another meeting.

LIBRARY BOARD/SUBCOMMITTEE

Commissioner Weber reported that he met the Library Board and subcommittee last week. They discussed expectations of the Library Board towards that subcommittee, and some clarification of direction they want the subcommittee to work from. The Library Board wants to start with a clean slate, and they hope the subcommittee can compile input from the community to decide the best solution for any library needs in the N. End of the county. The subcommittee will meet again this week. Commissioner Weber stated that he thinks everyone understands this is a big project and that there are ramifications to be looked at.

SECRETARY OF STATE/BRAD JOHNSON

Commissioner Weber reported that there was an unscheduled visit with the Commission this morning from Secretary of State Brad Johnson, his assistant Bowen Greenwood, and Bonnie Ramey, Jefferson County Clerk and Recorder. The main point of that meeting was that the unfunded mandates of voter place security and other issues will be partially funded, and that will help the counties not to carry the burden completely themselves.

MIKE WAITE/REPRESENTATIVE DENNY REHBERG'S OFFICE

Commissioner Weber also reported that the Commission met with Mike Waite from Representative Denny Rehberg's office, for the monthly scheduled meeting to keep both parties up to date on outstanding issues. The discussion focused on the status of PILT and SRS funding, which still has not been decided, and the Elkhorn Cemetery project which is moving forward.

CORRESPONDENCE

Commissioner Weber read a letter from Joint Powers Trust Authority (JPTA), the counties insurance company, pertaining to premiums for the year based on a 16% increase. The agent had quoted only a 4% increase in a phone conversation with Commissioner Weber. It was decided that there should be another phone call made to discuss the discrepancy before the agreement would be signed. The Commission agreed.

Commissioner Weber presented a letter from MACo in which the MT. Dept of Environmental Quality (DEQ) proposed a significant rewrite of their administrative rules for class II, III, and IV landfills in Montana. The letter includes comments by Barry Damschen, a local engineer, and his suggestion that more time is needed to review the proposed rules, and encourages landfill operators to submit comments and to request an extension for the comment period. A copy of that letter had been forwarded on to Joe Carter, Road Supervisor, and Heather Powers, Solid waste.

Commissioner Weber presented a letter from MT. Dept. Of Transportation (MDT) initiating an Environmental Assessment (EA) for the proposed Boulder-South project on State Primary Route 69 just south of Boulder in Jefferson County. It was the consensus of the Commission that they should definitely be involved, and it was asked if Commissioner Notbohm would be interested in being the one to sit in on this issue since it would be taking place in his part of the county. Commissioner Notbohm commented that because this would be an on going process and he had only seven months left as Commissioner that it would be better left to someone else. It was agreed that Commissioner Lythgoe would be willing to take the project on.

Commissioner Weber then made a motion to nominate Commissioner Tom Lythgoe to be Commission liaison and become a participating and cooperating agent with the MDT's Environmental Assessment. The motion was seconded by Commissioner Notbohm. The motion carried.

Commissioner Weber then read a letter from Tom Harrington, JLDC, forwarding a positive article on the Elkhorn Mine EA in the Billings Gazette, and stating that this is a good time to provide comments on the EA before the May 30th deadline. He then read the article. The decision was made to have Environomics put together some comments on the subject after establishing the cost.

SUBDIVISION REVIEW

Commissioner Weber informed the Commission that the final plat approval for the Gornick Minor Subdivision in Whitehall had been postponed, and rescheduled for next weeks meeting.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

WELL ISOLATION AGREEMENT FOR SUNLIGHT BUSINESS PARK

Commissioner Weber introduced the discussion to decide on the well isolation agreement for Sunlight Business Park. Tome Harrington, JLDC, came forward to state that they were working on the DEQ permits for both the discharge permit, and the central water system. He stated that this particular well isolation agreement is for the central water permit for the approved well that he pointed out on the attached map. He explained that they need a document on file from any land owner within 100 ft. of the well source, so they are in the process of getting the well isolation agreements from adjacent land owners, Jefferson County (twenty five feet into Yellowstone Trail), and Golden Sunlight Mine.

Commissioner Weber pointed out that the road right of way for Yellowstone Trail is part Jefferson County, and part State, and wondered if Mr. Harrington was aware of that and did he know for sure it was all county property they were dealing with. Mr. Harrington said he was working from a document drawn up by the engineer in coordination with DEQ so he was assuming so, but he would have the engineer check it out. Commissioner Weber then asked if the agreement had been seen by Matt Johnson, County Attorney, and it had not. He then asked how soon it had to be done to meet the deadline. It was established that there is time to have Matt look the document over, and that it should also go to Bonnie Ramey, Clerk and Recorder, to check on land ownership, and to bring it back forward in two weeks.

AMEND RESOLUTION 31-2006 ACCEPTANCE OF SOUTH HILLS ROAD AS A MAINTAINED COUNTY ROAD

It was decided that it was not necessary to read the resolution, and Commissioner Lythgoe explained that this is not an amended resolution as indicated on the agenda, but is actually a new Resolution 20-2008 which identifies the boundaries of South Hills Rd. That will be maintained by the county. He went on to explain that there is a section of that road that lies in the Lime Kiln Road Improvement District (RID). That this resolution defines the project area of South Hills Drive that begins at Colonial Drive, which is old Hwy. 282, and proceeds north westward to a point where the Lime Kiln project starts. A person in the Lime Kiln RID thought that the county should be maintaining their section of south Hills Rd., and this new resolution defines what part of the road the county will maintain, and it does not include that portion of Lime Kiln RID. It was pointed out by Commissioner Notbohm that originally the Lime Kiln Homeowners Assoc. Was given the option of having the county maintain the entire road, and they turned that offer down.

Harold Stepper, County Planner, came forward to question the numbering of the resolution because there was already a number 20-2008. It was explained that it doesn't receive its official number until it is adopted by the Commission, and that resolution would receive another number.

Commissioner Lythgoe made a motion to adopt Resolution 20-2008. It was seconded by Commissioner Notbohm. The motion carried.

The signed original of Resolution 20-2008 is on file in the Jefferson County Clerk and Records office.

RENAMING THE LUMP GULCH BRIDGE THE BOB MARKS BRIDGE

Commissioner Weber explained that this proposition was brought forward by Joe Carter, County Road Supervisor. This is a TSEP funded bridge that was completed this year. The purpose of the name change would be to honor Bob Marks and his family for their contribution to the county for over 100+ years. Commissioner Lythgoe agreed that this was an appropriate decision.

Commissioner Notbohm motioned to accept the renaming of the bridge to the Bob Marks bridge. Commissioner Lythgoe suggested that a plaque be made to commemorate the name change.

Commissioner Notbohm so moved. Commissioner Weber seconded. The motion carried.

ESTABLISHING A PERMANENT MEETING SPACE FOR PUBLIC ASSISTANCE SERVICES

Barb Reiter came forward to explain that the Horizon Resource Committee has been working on bringing resources back to Boulder that have disappeared gradually through lack of funding and other reasons. Job Service would be an example of that, meeting at the courthouse every third Tuesday of the month. One difficulty the committee has faced is deciding, do they find the space first or do they get the people to commit to coming first. She said there are several new services that are becoming available. Commissioner Weber stated that the Commission had decided to support this effort to bring these services to Boulder, and that they were open to finding the space needed, and did it need to be a designated space. Barb said that is what they would like to see happen. There was a discussion about available spaces and scheduling and it was decided that for the time being until the new meeting space (Wagner Bld.) is available the space may vary but it would be dependable. Barb commented that the Resource Committee may be able to find space temporarily, and may even be able to come up with some funding. Barb said she would take the information back to the committee.

REQUEST FOR FUNDING FOR WATER QUALITY ANALYSIS STUDY - WILLIS WEIGHT

Commissioner Weber introduced a letter from Willis Weight on Montana Tech. Univ. Of MT. Letterhead. He then read the letter which presented a history of Dr. Weight's work regarding uranium in ground water, introducing the proposed undergraduate study, and requesting funding, in the amount of \$400.00 for water quality analysis in the study. There was a proposal written by Loren Gordon, the participating undergraduate student, attached to the letter. A time line was included stating that the primary research would be performed and completed in the summer and fall of 2008, and a report submitted to Dr. Weight by April 2009, and will be presented to the undergraduate research program in the spring of 2009. There was also a letter of support from Rod Caldwell of the U.S. Geological Survey (USGS) included.

Dr. Weight came forward and there was a discussion with the Commission concerning the study. Dr. Weight was aware of the previous water analysis project with USGS. Dr. Weight reassured the

Commission that double testing wells wouldn't be an issue in more than possibly a couple wells because of depth issues and testing only for uranium. Dr. Weight explained the reason for choosing only wells with an existing driller's log. It was the consensus of the Commission that this was a good opportunity not only for the study but also for Jefferson County. They would be getting 20 wells analyzed for only \$20.00 apiece.

Commissioner Lythgoe made a motion that the County provide \$400.00 in funding for a water quality analysis study to be performed by Loren Gordon, an undergraduate student, and that Dr. Weight would be the one to oversee this project. The funding source would be PILT. Commissioner Weber seconded. The motion carried.

LARGE GROUP FUNCTION PERMIT - HEADWATERS COUNTRY JAM

Sheriff Craig Doolittle brought forward the paperwork. Shane Worley came forward and introduced himself as one of the partners of the endeavor, and he acknowledged John Zmelchi as the landowner where the function would take place. Commissioner Lythgoe asked Sheriff Doolittle if all the requirements had been met. It was projected that there would be about 1000 in attendance. Commissioner Lythgoe asked that they take an accurate count at the function and pay the required fees if the numbers were higher. They agreed. Everything appeared to be in order. Commissioner Weber moved that the Commission grant the large group function permit for the Headwaters Country Jam. Commissioner Lythgoe seconded. The motion carried.

AMEND RESOLUTION 02-2004 FEES FOR RECORDS SEARCHES FOR NON-LAW ENFORCEMENT AGENCIES/INDIVIDUALS IN JUSTICE COURT

Debbie Rennie from Justice Court came forward to explain that it was necessary to amend the resolution in order to keep up with increased costs associated with record searches. Debbie continued to explain in detail certain costs and the corresponding section in the resolution that needed amending. There were some questions by the Commissioners which Debbie responded to. Debbie explained that 77 boxes of records were being stored at Montana Records Management in Helens, MT, where there is an intricate security system involving bar codes. The company stores many government files and documents and is licensed and bonded.

The resolution had been forwarded to Matt Johnson the County Attorney. It was then decided that because of the amended status of the resolution it wouldn't be necessary to hold a public meeting.

Commissioner Notbohm motioned that the Commission adopt Resolution 02-2004 as amended. Commissioner Weber seconded. The motion carried.

The signed original copy of Amended Resolution 02-2004 is on file in the Jefferson County Clerk and Records Office.

ARCHITECTURAL FIRM FOR UPDATES TO FORMER WAGNER BUILDING

Commissioner Weber explained that the Commission received two proposals from architectural firms regarding the update of the Wagner Bld.. One was from V2 Design Inc., and the other from Studio 360 Architecture. Those were sent on to Great West Engineering for review, and their recommendation was Studio 360. Commissioner Lythgoe stated that he was impressed with the company, their other projects, and their time line for this project. Commissioner Weber expressed the fact that he thought that Studio 360's proposal would be more cost effective.

Commissioner Weber made a motion that the Commission accept the proposal from Studio 360.

Commissioner Lythgoe seconded. There were 2 ayes and Commissioner Notbohm abstained because he wasn't at the meeting regarding the issue. The motion carried.

OPPORTUNITY FOR PUBLIC COMMENT

There were no public comments to be made.

MEETING ADJOURNED

Commissioner Lythgoe made a motion to adjourn. Commissioner Weber seconded. The motion carried.

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

KEN WEBER, CHAIR

TOMAS E. LYTHGOE, COMMISSIONER

CHUCK NOTBOHM, COMMISSIONER